

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CLINGMAN & HANGER	§
MANAGEMENT ASSOCIATES,	§
LLC, as Trustee of the Furie	§
Litigation Trust,	§
<i>Plaintiff,</i>	§
	§
v.	§
	§
KAY RIECK; LARS	§
DEGENHARDT; THEODOR VAN	§
STEPHOUDT; DAVID HRYCK,	§
REED SMITH LLP; THOMAS E.	§
HORD; MICHAEL ANTHONY	§
NUNES; STONE PIGMAN	§
WALTHER WITTMAN LLC, in its	§
own capacity and as successor by	§
merger to COGAN & PARTNERS	§
LLP; DAVID ELDER; BRUCE	§
GANER; SIERRA PINE	§
RESOURCES INTERNATIONAL,	§
INC.; and HELENA ENERGY, LLC,	§
<i>Defendants.</i>	§

Civil Action No. 4:21-cv-02698

KAY RIECK'S MOTION TO EXTEND TIME TO ANSWER

TO THE HONORABLE CHARLES R. ESKRIDGE III:

Defendant, Kay Rieck, respectfully requests an extension of time—to September 14, 2021—for him to answer, move, or otherwise respond to Plaintiff's state-court petition which was removed to this Court in the above-styled and numbered civil action.

Plaintiff filed Plaintiff's Original Petition on August 6, 2021, and it was assigned to the 334th District Court of Harris County, Texas. Rieck was served with a citation on On

August 13, 2021, Plaintiff served the Texas Secretary of State pursuant to the Texas Long-Arm Statute. The return of service is on file with this Court (ECF no. 5), and the return does not indicate that the papers were mailed to Rieck at the specified address in Dubai, United Arab Emirates. Based upon statements in the return, deadline for Rieck to answer is September 7, 2021. *See* Fed. R. Civ. P. 81(c)(2)(A).

Late last week, Rieck retained the undersigned counsel to represent him in this civil action. The undersigned firm is also representing Helena Energy, LLC, and the Court previously granted it an extension of time to enter an appearance to September 14, 2021. (ECF no. 22).

Rieck intends to seek dismissal of the case against him pursuant to Fed. R. Civ. P. 12(b)(2). Such a motion requires a Declaration setting forth facts regarding a lack of minimum contacts with Texas. While Rieck has signed such a Declaration with an electronic signature, Rieck has been unable to return to the undersigned counsel a signed Declaration with an ink signature due to his current travels in the State of New York. This Declaration is being filed with a motion to dismiss, which is being filed contemporaneously with this Motion. A one-week extension of time—to September 14, 2021—would enable a Declaration with an ink signature to be filed with a motion to dismiss.

WHEREFORE, premises considered, Kay Rieck respectfully requests that the Court extend his deadline to answer, move, or otherwise respond to Plaintiff's lawsuit to September 14, 2021.

Respectfully Submitted,

PENDERGRAFT & SIMON, LLP

/s/ William P. Haddock

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*Counsel for Kay Rieck and
Helena Energy, LLC*

Certificate of Conference

I hereby certify that prior to filing the above Kay Rieck's Motion to Extend Time to Answer, the undersigned conferred with opposing counsel in an effort to resolve the disputed issues without seeking relief from the Court as follows:

On September 7, 2021, the undersigned discussed the motion with Plaintiff's counsel, Robert Corn. After discussing concessions requested by Plaintiff, a mutually acceptable agreement could not be reached.

/s/ William P. Haddock

William P. Haddock

Certificate of Service

I hereby certify that a true and correct copy of the above Kay Rieck's Motion to Extend Time to Answer has been served on the following counsel/parties of record in accordance with Fed. R. Civ. P. 5 and local rules for electronic filing and service on this 7th day of September 2021:

Service via CM/ECF -

Robert M. Corn, Counsel for Plaintiff
George M. Kryder, III, Counsel for Stone, Pigman, Walther, Wittman, LLC
Ayesha Najim, Counsel for David Hryck and Theodor Van Stephoudt
Murry Fogler, Counsel for Michael Anthony Nunes
Collin J. Cox, Counsel for Reed Smith, LLP

/s/ William P. Haddock
William P. Haddock